

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAN T. MOORE,

Petitioner,

v.

CASE NO. 2:05-cv-808

**WARDEN, NOBLE CORRECTIONAL
INSTITUTION,**

JUDGE HOLSCHUH

MAGISTRATE JUDGE KEMP

Respondent.

OPINION AND ORDER

On April 13, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that petitioner's motion for a stay, Doc. No. 6, be denied, and that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed as unexhausted. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. Petitioner's request for a stay, Doc. No. 6, is **DENIED**.

This action is hereby **DISMISSED** without prejudice as unexhausted.

IT IS SO ORDERED.

May 30, 2005

/s/ John D. Holschuh

JOHN D. HOLSCHUH
United States District Judge